

REMARKS

Claims 1-76 are pending in the application.

Claims 1-76 stand rejected.

Claims 1, 21, 39, and 58 have been amended.

Rejection of Claims under 35 U.S.C. § 103

Claims 1-6, 20-25, 39-44, and 58-63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Balazinski et al., U.S. Patent Publication No. 2002/0097707 (Balazinski) in view of Hariharasubrahmanian, U.S. Patent No. 6,819,681 (Hariharasubrahmanian). Claims 7-12, 14-17, 19, 26-31, 33-36, 38, 45-50, 52-55, 57, 64-69, 71-74 and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Balazinski in view of Hariharasubrahmanian and further in view of Hong et al., U.S. Patent No. 6,359,894 (Hong). Claims 13, 18, 32, 37, 51, 56, 70 and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Balazinski in view of Hariharasubrahmanian and Hong, and further in view of Maggenti et al., U.S. Patent No. 6,477,150 (Maggenti). The applicant respectfully traverses these rejections.

The applicant submits that Balazinski, Hariharasubrahmanian, Hong, and Maggenti taken alone or in combination fail to teach or suggest a method including:

if a first response to said first packet is expected by said first network element, determining expected contents of said first response, and

if said expected contents of said first response to said first packet require a response, responding with a second packet before receiving said first response;

as required by independent claim 1 and generally required by independent claims 20, 39, and 58.

Regarding these limitations, the Examiner refers to column 2, lines 64-67 of Hariharasubrahmanian. Column 2, lines 61-67 states:

Systems and methods consistent with the present invention address these and other needs through mechanism that permit communication devices to predict one or more bit-fields in one or more packets before all these packets are received, thereby using their resources efficiently and permitting the devices to respond to these sets of packets before all packets of the set have been received.

The applicant previously noted that the cited portion of Hariharasubrahmanian neither teaches nor suggests: (1) determining expected contents of the first response when the first response to the first packet is expected by said first network element, and (2) responding with a second packet before receiving the first response when the expected contents of the first response to the first packet require a response.

In the Office action dated October 3, 2005 the Examiner responds to the applicant's reasoning:

Regarding applicant's arguments to claim 1, 20, 39, and 58, the Hariharasubrahmanian reference discloses communication devices that can predict the contents of packets and respond to them before they are received. There would be no need to respond to the packets if no response was expected by the first network element, or if the packet did not require a response. The reference reads on the claim language.

Page 2. The applicant submits that claim 1 distinguishes over the Examiner's characterization of Hariharasubrahmanian in two ways. First, claim 1 recites "a first response to said first packet is expected by said first network element" and "receiving said first response." Second, claim 1 recites determining the expected contents of a first response *if* the first response is expected. The following discussion illustrates that Hariharasubrahmanian fails to teach either of these features of claim 1.

Hariharasubrahmanian does not discuss how or when a first response to a first packet is expected by a network element. According to the Examiner, “There would be no need [for Hariharasubrahmanian’s device] to respond to the packets if no response was expected by the first network element.” Hariharasubrahmanian’s device predicts the contents of a packet in a set of packets if the device has already received other packets in the same set of packets: “communication devices . . . predict one or more bit-fields in one or more packets before all these packets are received . . . permitting the devices to respond to these sets of packets before all the packets of the set have been received.” Column 2, lines 63-67. Thus, it appears that the Examiner is attempting to compare Hariharasubrahmanian’s “response to [the] sets of packets” to the “first response” recited in claim 1.

Hariharasubrahmanian’s “response to [the] sets of packets” is a response generated by a first network element. In contrast, the “first response” recited in claim 1 is a response that the first network element expects to receive. The applicant notes that Hariharasubrahmanian does not discuss expecting a response. Yet the Examiner appears to suggest that the fact that Hariharasubrahmanian’s first network device sends a response shows that the first network device must have expected to send the response. While the applicant disagrees with the Examiner’s logic, claim 1 distinguishes over Hariharasubrahmanian even if the Examiner’s characterization is correct.

Claim 1 distinguishes over the Examiner’s characterization of Hariharasubrahmanian because the “first response” of Hariharasubrahmanian is not comparable to the “first response” recited in claim 1. As previously mentioned, Hariharasubrahmanian “first response” is information that is that is *sent* by a first

network device. In contrast, the “first response” recited in claim 1 is a response that the first network element expects to *receive*. In other words, Hariharasubrahmanian fails to teach that a first network element expects to *receive* a “first response.” Thus, Hariharasubrahmanian does not teach that a “first response to said first packet is expected by said first network element,” as recited in claim 1.

The applicant also notes that Hariharasubrahmanian does not teach or suggest determining the expected contents of a first response if the first response is expected. According to claim 1, the expected contents are determined *if* the first response is expected. As shown in Fig. 7, Hariharasubrahmanian predicts values in packet fields after beginning to receive a packet. Thus, Hariharasubrahmanian determines predicted values when a packet begins to be received, not if a first response is expected. Accordingly, claim 1 distinguishes over Hariharasubrahmanian by reciting “if a first response to said first packet is expected by said first network element, determining expected contents of said first response.”

The applicant submits that the foregoing arguments demonstrate that original claim 1 distinguishes over the cited references. The applicant also notes that claim 1 is amended to provide additional clarity. As amended, claim 1 recites, in relevant part, “determining whether said first network element expects said second network element to send a first response to said first packet.” Nothing in Hariharasubrahmanian, or any of the other cited references, teaches or suggests determining whether a network element expects a response to a packet sent by that network element.

Thus, claim 1 distinguishes over any permissible combination of Balazinski, Hariharasubrahmanian, Hong, and Maggenti. The applicant submits that claims 21, 29,

and 58 distinguish over the cited references for at least the same reasons that claim 1 distinguishes over the references. Therefore, independent claims 1, 21, 39, and 58, as well as claims 2-20, 22-38, 40-57, and 59-76, which depend from claims 1, 21, 39, and 58, are allowable for at least the foregoing reasons. Accordingly, the applicant respectfully requests withdrawal of the rejections based on 35 U.S.C. § 103 and submits that claims 1-76 are in condition for allowance.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on December 1, 2005.


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12/1/05
Date of Signature

Respectfully submitted,



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